



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 23 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL 7009 1680 0000 7677 7865**  
**RETURN RECEIPT REQUESTED**

Ms. Crystal Schmidt  
Manager – Environmental Services  
Aurora Medical Center - Grafton  
975 Port Washington Road  
Grafton, Wisconsin 53024

Re: Notice of Violation  
Compliance Evaluation Inspection  
EPA ID: WIR000138859

Dear Ms. Schmidt:

On March 19, 2015, a representative of the U.S. Environmental Protection Agency inspected the Aurora Medical Center ("AMCG") facility located in Grafton, Wisconsin. As a large quantity generator of hazardous waste, AMCG is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (RCRA). The purpose of the inspection was to evaluate AMCG's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by AMCG, EPA's review of records pertaining to AMCG, and the inspector's observations, EPA has determined that AMCG has unlawfully stored hazardous waste without a license or interim status as a result of AMCG's violation of certain requirements for a license exemption under Wis. Admin. Code § NR 662.034(1)-(3). EPA has identified the license exemption requirement(s) violated by AMCG as of the date of the inspection in paragraphs 1- 4, below.

Also, EPA has determined that AMCG violated RCRA requirements related to hazardous waste determinations and used oil management as described in paragraphs 5 and 6, below.

**STORAGE OF HAZARDOUS WASTE WITHOUT A LICENSE OR INTERIM STATUS**

At the time of the inspection, AMCG violated the following large quantity generator license exemption requirements:

### 1. Management of Satellite Containers

Under Wis. Admin. Code §§ NR 662.034(3)(a)1. and 665.0173(1) [40 C.F.R. §§ 262.34(c)(1)(i) and 265.173(a)], a large quantity generator must always keep a satellite container holding hazardous waste at or near the point of generation closed during storage, except when it is necessary to add or remove waste.

At the time of the inspection, AMCG did not keep the following 18-gallon containers holding hazardous waste closed during storage and waste was not being added or removed to these containers while they were open:

- Three black containers in the In-Patient Pharmacy.
- One black container in the soiled utility room in Med/Surg 1.
- One black container in the med room of Med/Surg 1.
- One black container in the soiled utility room in Med/Surg 3.
- One yellow container in the Grafton Cancer Center outbuilding compounding lab.

Note: Each of the above containers was closed by an AMCG employee at the time of the inspection. No further action is requested for this violation.

### 2. Labelling Satellite Containers

Under Wis. Admin. Code § NR 662.034(3)(a)2. [40 C.F.R. § 262.34(c)(1)(ii)], a large quantity generator must label or clearly mark each satellite container holding hazardous waste at or near the point of generation with the words “Hazardous Waste” or with other words that identify the contents of the container.

At the time of the inspection, the following satellite containers of hazardous waste were not labeled either with the words “hazardous waste” or with other words describing the contents of the containers.

- A one-gallon container of mixed stains in the Histology Laboratory was labeled only as “Waste.”
- An 18-gallon yellow container of bulk chemotherapy waste, which is managed as a hazardous waste at AMCG, located in the In-Patient Pharmacy compounding area was labeled as “Bulk Only.”
- An 18-gallon yellow container of bulk chemotherapy waste located in the on-site Grafton Cancer Center outbuilding compounding lab was labeled as “Bulk Waste.”

### 3. Contingency Plan

Under Wis. Admin. Code §§ NR 662.034(1)(d); 665.0052(3) and (5) [40 C.F.R. §§ 262.34(a)(4); 265.52(c) and (e)], a large quantity generator of hazardous waste must provide a contingency plan for the facility that includes, *inter alia*, the following:

- The plan shall describe arrangements agreed to by local police departments, fire departments, hospitals, contractors and state and local emergency response teams to coordinate emergency services; and

- The plan shall include a list of all emergency equipment at the facility. This list shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

At the time of the inspection, the AMCG contingency plan did not describe arrangements that have been made with another hospital in the event of a catastrophic emergency at AMCG. Also, the emergency equipment list did not include descriptions or a summary of capabilities for the equipment.

#### 4. Personnel Training

A large quantity generator of hazardous waste must do the following, *inter alia*, with respect to personnel training:

- Maintain documentation of the job title and job description for each position at the facility related to hazardous waste management, and the name of each employee filling that job.  
See, Wis. Admin. Code § NR 665.0016(4)(a) and (b) [40 C.F.R. § 265.16(d)(1) and (2)];
- Maintain a written description of the type and amount of introductory and continuing training that will be given to these employees.  
See, Wis. Admin. Code § NR 665.0016(4)(c) [40 C.F.R. § 265.16(d)(3)];
- Provide a program of class-room instruction or on-the-job training for hazardous waste management employees that follows the document created under Wis. Admin. Code § NR 665.0016(4)(c) [40 C.F.R. § 265.16(d)(3)].  
See, Wis. Admin. Code § NR 665.0016(1)(a) [40 C.F.R. § 265.16(a)(1)];
- Conduct the training with a person trained in hazardous waste management procedures. The training must include hazardous waste management procedures, contingency plan implementation, and emergency response procedures.  
See, Wis. Admin. Code § NR 665.0016(1)(b) and (c) [40 CFR § 265.16(a)(2) and (3)]; and
- Maintain records of training provided within six months of the effective date of employment/assignment and annually thereafter.  
See, Wis. Admin. Code § NR 665.0016(2), (3), and (4)(d) [40 C.F.R. § 265.16(b), (c), and (d)(4)];

At the time of the inspection:

- AMCG did not have a list of job titles, job descriptions or the names of the employees in these positions as they related to hazardous waste management.
- AMCG did not have written descriptions of the type and amount of introductory and continuing training to be provided for such employees.
- AMCG did not provide training to Michael Herbert, the alternate emergency coordinator, or to Jim Spring, who conducted weekly inspections at the Grafton Cancer Center up until 10/27/14.
- Ms. Schmidt did not have any records of having been trained in hazardous waste management procedures prior to conducting the training for other employees.
- Records of training for employees were not available for 2011 or 2012.

**Summary of license exemption requirements:** By violating the requirements for a license exemption, above, AMCG became an operator of a hazardous waste storage facility, and was required to obtain a Wisconsin hazardous waste storage license. AMCG failed to apply for such a license. AMCG's failure to apply for and obtain a hazardous waste storage license violated the requirements of Wis. Admin. Code §§ NR 680.30, 680.31, and 680.32 [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)].

## WASTE DETERMINATION AND USED OIL VIOLATIONS

### 5. Hazardous Waste Determination

Under Wis. Admin. Code § NR 662.011[40 C.F.R. § 262.11], a generator must determine whether its waste is hazardous.

At the time of the inspection, AMCG had not determined if discarded Coviden Cardiology Diagnostic ECG Electrodes - 5400 sets, are hazardous for silver.

### 6. Used Oil Requirement

Under Wis. Admin. Code § NR 679.22(3)(a) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

At the time of the inspection, two 55-gallon drums of used oil located in a storage shed near the loading docks were labeled with the words "Waste Oil." According to Ms. Schmidt, this material is going for recycling and should be managed under the used oil provisions.

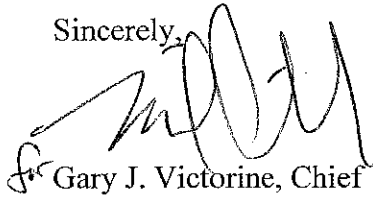
## CONCLUSION

At this time, EPA is not requiring AMCG to apply for a Wisconsin hazardous waste storage license so long as it immediately establishes compliance with the requirements for a license exemption outlined in paragraphs 1-4, above.

According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to establish compliance with the above conditions and requirements. You should submit your response to Brenda Whitney, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Ms. Whitney of my staff, at 312-353-4796 or at [whitney.brenda@epa.gov](mailto:whitney.brenda@epa.gov).

Sincerely,



G. Gary J. Victorine, Chief  
RCRA Branch

Enclosure

cc: Michael Ellenbecker, WDNR, [Michael.Ellenbecker@wisconsin.gov](mailto:Michael.Ellenbecker@wisconsin.gov)